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10 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-432

13 **NANCY BROWNLOW**
14 **a.k.a. NANCY LOUISE BROWNLOW**
15 **2012 Timberwolf Trail**
Palm Bay, FL 32909

A C C U S A T I O N

16 **Registered Nurse License No. 580379**

17 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about May 1, 2001, the Board of Registered Nursing issued Registered Nurse
25 License Number 580379 to Nancy Brownlow, a.k.a. Nancy Louise Brownlow (Respondent). The
26 Registered Nurse License was in full force and effect at all times relevant to the charges brought
27 herein and will expire on February 28, 2013, unless renewed.

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“(b) Any device that bears the statement: ‘Caution: federal law restricts this device to sale by or on the order of a _____,’ ‘Rx only,’ or words of similar import . . .

“(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.”

9. **Butalbital** is a Schedule III controlled substance as designated by Health and Safety Code section 11056(c)(3), and a dangerous drug as designated by Business and Professions Code section 4022.

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Out of State Discipline)
(Bus. & Prof. Section 2761, subd. (a)(4))

11. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about December 12, 2006, *In the Matter of Nancy Brownlow R129636*, the Maryland Board of Nursing (Maryland Board) made Findings of Fact, Conclusions of Law and by majority vote of a quorum of the Maryland Board, thereon entered an Order revoking Respondent's license to practice nursing in the State of Maryland. The circumstances are as follows:

12. On or about February 6, 1997, Respondent entered into a Participation Agreement (Agreement) with the Maryland Board's Rehabilitation Committee due to Respondent having tested positive for Butalbital on or about January 19, 1996, in a new employee drug screen submitted for employment with Anne Arundel Medical Center in Annapolis, Maryland. The Agreement required that Respondent comply with terms and conditions including providing the

1 Maryland Board with written quarterly progress reports, as well as notifying the Maryland Board
2 of her address and telephone number in the event she moved permanently. Further, Respondent
3 consented to the stipulation that her case would be referred to the Rehabilitation Program or its
4 equivalent in any state that she becomes licensed to practice nursing.

5 13. On or about June 13, 2001, the Maryland Board attempted to contact Respondent by
6 letter to request that she provide contact information for the California Nursing Board's peer
7 assistance program. Respondent did not respond to the Maryland Board's letter or otherwise
8 provide the Maryland Board with documentation as requested.

9 14. On or about June 20, 2003, the Maryland Board provided notice to Respondent that
10 she was being charged with violation of the Maryland Nursing Act and advised her of her right to
11 hearing. Respondent failed to comply with the terms and conditions of her agreement with the
12 Maryland Board.

13 PRAYER

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Registered Nursing issue a decision:

16 1. Revoking or suspending Registered Nurse License Number 580379, issued to Nancy
17 Brownlow, a.k.a. Nancy Louise Brownlow (Respondent);

18 2. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of
19 the investigation and enforcement of this case, pursuant to Business and Professions Code section
20 125.3;

21 3. Taking such other and further action as deemed necessary and proper.

22
23 DATED: November 28, 2012

24 *for* *Janie Ben*
25 LOUISE R. BAILEY, M.ED., RN
26 Executive Officer
27 Board of Registered Nursing
28 Department of Consumer Affairs
State of California
Complainant

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